IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1770 OF 2006

Smt. Badrunnissa Yusuf Pathan ...Applicant

V/s

The State of Maharashtra ...Respondent.

Mr. M.S. Kadu for the applicant.
Ms. M.M. Deshmukh, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 4th May, 2006

P.C.

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant was arrested on 23/3/2006 in connection with C.R. No.I-119 of 2006 registered with Mahatma Phule Chowk Police Station, Kalyan for the offence punishable under sections 143, 147, 148, 149, 342, 302 and 307 of the Indian Penal Code.

3. It is alleged that the applicant slapped two persons and instigated the other two accused to kill the deceased. This is the only role attributed to the present applicant.

3. The learned APP, on taking instructions, submits that so far as the role of the applicant is concerned, the investigation is not over.

4. I have perused the statements of witnesses and the other material on record. In my view, this is a fit case for grant of bail. Apart from that, the applicant is an old lady.

5. The applicant be released on bail in the sum of Rs 5000/- with one or two sureties in the like amount. The applicant shall report to the concerned Police Station as and when she is called. The applicant shall not tamper with the evidence or threaten any of the witnesses.

6. The trial court shall not be influenced by any observation made by this court while deciding this application and the same may not be construed as an expression of opinion on the merits of the case. The trial court shall decide the case on its own merits and in accordance with law.

7. Application is accordingly disposed of.

V.M. KANADE, J.